

June 15, 2004

A regular meeting of the Redmond City Council was called to order by Mayor Rosemarie Ives at 7:20 p.m. in the Council Chambers. Councilmembers present were: Cole, Marchione, McCormick, Paine, Resha, and Vache.

PROCLAMATION - REDMOND ARTS DAY

The Mayor read a Proclamation declaring June 15, 2004 Redmond Arts Day, and presented the Proclamation to Redmond Arts Commission Chair Phil Teller.

MICRO CONCERT

Yvette Kirby Waters, production manager from the Wooden O Theatre, introduced an actor who presented several of the famous lines from William Shakespeare's *Julius Caesar*, which will be offered at Anderson Park on August 1, 2004.

DONATION - ROTARY CLUB OF REDMOND

Roger Martindill, representing Rotary Club of Redmond, presented a \$10,000 donation to the city to provide a firefighters' bench at Firefighters' Plaza in front of Station 11. The Mayor said the bench will be dedicated on October 9, 2004 during Fire Prevention Safety Week.

REDMOND AWARDS PRESENTATION

The Mayor and Phil Teller, Chair, Redmond Arts Commission, introduced the Arriba Stature, Michael Riggs, and Art Volunteers at the Old Fire House Teen Center, who were nominated to receive the annual Volunteer Arts Awards in recognition of outstanding contributions to arts in Redmond. The award recipients received a ceramic sculpture by artist Doe Stahr.

PRESENTATION

Redmond Arts Commission Chair Phil Teller presented the Mayor with the 2004 Volunteer Award.

PROCLAMATION - AMATEUR RADIO WEEK

The Mayor read a Proclamation declaring June 20 - 27, 2004 Amateur Radio Week in the City of Redmond, and presented the award to Lieutenant Charlie Gorman.

PROCLAMATION

The Mayor read a Proclamation recognizing Brigitte Tennis as one of the country's best teachers.

ITEMS FROM THE AUDIENCE

King County Councilwoman Kathy Lambert, P.O. Box 1138, Woodinville 98072, spoke as a citizen in support of former Police Lieutenant Gail Marsh.

Yuri Alkin spoke on behalf of Redmond residents concerned about the T-Mobile monopole being built near their homes.

James E. Haney, City Attorney, explained that an item regarding the T-Mobile monopole is on the agenda for the Council to act on tonight. He said the Council listened to pros and cons from concerned citizens last year, and the Council cannot listen to new information as the record is closed. He asked the representative from T-Mobile if he had any objections to Mr. Alkin making some comments.

Chuck Madwell, representing T-Mobile, said he assumed the record is closed on this matter, but did not have an objection to a brief statement being made.

Mr. Alken stated residents are concerned about the lack of significant evidence of the need to build the monopole, and they have expressed their concerns to city staff. He said the residents received notice of the item being on the agenda tonight for action, and requested that the Council postpone action until the residents have time to learn the specifics; or, that the Council not approve the application since the applicant has not presented sufficient evidence that it needs to be built.

Councilmember Cole disclosed that Mr. Alkin called him and left a message, and he returned the call and left a message.

Chuck Madwell, 1501 Fourth Avenue, Seattle, said there was no requirement to provide notice, and the judge's decision is clear that it is an action for the City Council. He asked the Council to take action tonight.

Richard Lambe, 11201 SE Eighth Street, Bellevue 98004, attorney for Ohno Construction, commented on whether or not the city should allow Ohno Construction to withdraw its bid. The bid submitted on May 26, 2004 was low by approximately \$300,000, and Ohno was subsequently advised that one of the subcontractors had made a \$300,000 mistake, he added. Ohno Construction requested that it be allowed to withdraw its bid, but the City Engineer declined, because according to the requirements, the bidder has only one day to withdraw the bid, he explained. However, he continued, Ohno did not know about the error until after that deadline. He concluded the courts have developed a list of criteria for allowing the withdrawal of a bid, and the city should allow Ohno Construction to withdraw the bid based on a mistake.

Yoshio Ohno, 7619 West Mercer Way, Mercer Island 98040, President, Ohno Construction, distributed a handout illustrating Ohno's reputation in providing projects for public entities. He said Ohno has never had to claim an error on a project before, and Ohno had presented its bid based on a good faith quote from a sheet metal contractor. He asked the Council to exercise a more tolerant judgment of the facts.

Dave Peterson, P.O. Box 126, Mukilteo 98295, representing Accurate Sheet Metal, said when his company was asked to re-evaluate the drawings, a mathematical error was discovered. He said the \$300,000 error is something from which his company cannot recover. He concluded the business has been in existence since 1978.

Nancy Bainbridge Rodgers, 524 Second Avenue, Suite 500, Seattle 98104, Cairncross & Hempelmann, representing business property owners along Evans Creek, handed out copies of a letter she emailed to the Council earlier today dated June 15, 2004 regarding the Shoreline Master Program Update, Evans Creek Area Businesses. She stated the property owners request two minor amendments:

- Change the language to verify that an existing operation within the buffer can continue to expand as long as it does not go closer to the stream.
- Increase the time in which a property would be amortized out of existence if the business were unable to operate.

Councilmember Cole noted that some of these are not new issues, and he asked Ms. Rodgers were any of the ones to which she is referring new? Ms. Rodgers replied in the affirmative, stating that item 2.b. in the letter regarding Policy SL-XX, ensuring flexibility of the reasonable use exemption standard, is new.

Diane Glenn, 8835 166 Avenue NE, Construction Consultants, representing the Master Builders Association, spoke regarding the Fire Code sprinkler requirements. She said seventy percent of house fires are attributed to non-functioning smoke alarms; ninety percent of house fires occur in homes over ten years old; and two percent of Fire Department resources go to fighting home fires. She concluded the Master Builders would like to retain the current threshold criteria for sprinklers instead of reducing it to five thousand square feet.

Judith Jewell, 12120 202 Avenue NE, Woodinville 98072, representing the Greater Redmond Chamber of Commerce, reminded the Council that the Chamber is on record as

questioning the proposed buffer widths in the Shoreline Master Program.

EXCUSE COUNCILMEMBER ROBINSON

Motion by Ms. McCormick, second by Mr. Resha, to excuse Councilmember Robinson.
Motion carried unanimously (6 - 0).

CONSENT AGENDA

The Mayor stated that Item C.7 will be pulled from the consent agenda and discussed after a brief executive session.

Motion by Ms. McCormick, second by Mr. Resha, to approve the following items of the Consent Agenda:

- (1) approve the minutes of the regular meeting of June 1, 2004 with an amendment on page 16, under Ombudsman Report that an anonymous letter was received, not a phone call, regarding the neighborhood matching grant program, and that all invoices, not most invoices, are turned over to the city.

- (2) approve the following payroll/direct deposit and claims checks:

PAYROLL/DIRECT DEPOSIT CHECKS:

#158549 through 158660; and
#124386 through 124969 \$1,161,190.46

CLAIMS CHECKS:

#216517 through 216901 \$2,809,891.87

- (3) confirm the appointment of Scott Greenberg to the Design Review Board
- (4) approve the final contract amount with Wyser Construction, Inc., Bothell, Washington, comprised of the total amount bid of \$1,785,911, plus change orders, bid item increases and decreases, resulting in a final contract amount of \$1,752,018 plus Washington State sales tax; and accept construction of the Grass Lawn Park Softball

Field and Tennis Courts, Project No.
03-CI-65

- (5) cancel the date for the Public Hearing for the River Park Development Agreement
- (6) approve award of bid for the Union Hill Road Widening, Project No. 00-CI-57, to Thomco Construction, Inc., Lake Stevens, Washington, for the bid amount of \$3,132,989.77, and authorize the Mayor to sign the contract. The following bids were received:

Thomco Construction, Inc.	\$3,132,989.77
Wilder Construction, Inc.	\$3,237,000.00
DPK, Inc.	\$3,572,031.00
Marshbank Construction, Inc.	\$3,594,084.25
Engineer's Estimate	\$3,402,391.50
- (8) approve Resolution No. 1188, supporting the proposed Downtown Transit Center design concept and requesting Sound Transit to transfer funds from the Willows Road Transit Project to the Downtown Transit Center, which was presented and read.

Upon a poll of the Council, Cole, Marchione, McCormick, Paine, Resha, and Vache voted aye. Motion carried unanimously (6 - 0)

OATH OF OFFICE

James E. Haney, City Attorney, administered the Oath of Office to Design Review Board member Scott Greenberg.

EXECUTIVE SESSION

The Council went into executive session at 8:32 p.m. for approximately ten minutes to discuss potential litigation. The regular meeting reconvened at 8:55 p.m.

AWARD OF BID AND SUPPLEMENTAL CONSULTANT AGREEMENT NO. 3 FOR ENGINEERING SERVICES, EVANS CREEK TRAIL AND GREENWAY, PHASE 1, PROJECT NO. 00-CI-92

The Mayor, in a memorandum to the Council dated June 15, 2004, recommended award of bid for the Evans Creek Trail & Greenway Phase I, Project No. 00-CI-92, to Ohno

Construction Company and approval of Supplemental Agreement No. 3 with Parametrix, Inc. in the amount not to exceed \$90,000.

Motion by Ms. McCormick, second by Mr. Marchione, to postpone action on this item to the July 6, 2004 Council meeting. Motion carried (5 - 1) with Cole voting nay.

PUBLIC HEARING - 2005-2006 BUDGET AND CIP

The Mayor opened the public hearing at 8:58 PM. Hearing no testimony, the Mayor declared the hearing closed at 8:59 p.m.

REPORTS

Staff Report - City Diversity Efforts

The Mayor, in a memorandum to the Council dated June 15, 2004, reported the highlights the city's existing diversity/community outreach initiatives.

Staff Report - First Quarter 2004 Financial Report

Lenda Crawford, Finance Director, in a memorandum to the Council dated June 11, 2004, presented the first quarter 2004 financial report.

Staff Report - Notice of Temporary Closure at NE 116 Street

Don Cairns, Transportation Division Manager, and Deby Canfield, Senior Transportation Engineering Technician, in a memorandum to the Mayor and the City Council dated June 15, 2004, provided notification of a temporary closure for through traffic on NE 116 Street between Avondale Road and Redmond-Woodinville Road during the period July 6, 2004 to August 12, 2004.

The Mayor announced that there has been a slight extension of the work; the temporary closure will last from July 6 through August 20, 2004.

Staff Report - Comprehensive Plan Update

Roberta Lewandowski, Planning and Community Development Director, in a memorandum to the Mayor and City Council dated June 15, 2004, reported on the Planning Commission's progress on the Comprehensive Plan Update.

Lori Peckol, Principal Planner, briefed the Council on the 2003-2004 Comprehensive Plan Update, and the proposed approach for Council review over the next few months.

She asked Councilmembers to identify information they would like to have for the study session on June 29, 2004.

Staff Report - Suburban Cities Association (SCA)

The Mayor reported that the SCA addressed the urban subsidy that is used to underwrite urban services in unincorporated King County. She said the SCA's position is that the subsidy should stop. She noted that in King County, annexations by cities of unincorporated areas within the urban growth boundary are at a stalemate because King County continues to allow urban developments in the rural zone.

Reporting on the SCA's June 10-11, 2004 retreat regarding the future of the organization, the Mayor said the majority of those in attendance agreed to continue SCA and discussed the evolution of the organization's structure.

OMBUDSMAN REPORT

Councilmember Marchione was contacted about the ban on barbecues and Christmas trees; a mis-spelling on a construction sign; the resurfacing schedule for East Lake Sammamish Parkway; the speed limit on 188 Avenue NE; and whether or not 185 Avenue NE and NE 88 Street should be arterials.

Councilmember McCormick received communication from a board and commission member on the length of time for construction to finish up at Redmond High School. She suggested that the Council consider putting it on the issues list for the Council's meeting with the Lake Washington School District.

COMMITTEE REPORTS

Committee Report - Development Review Policy Committee

Councilmember McCormick announced a meeting of the Development Review Policy Committee on July 7, 2004 at 4:00 p.m.

Committee Report - Public Administration and Finance Committee

Councilmember Paine announced that the Public Administration and Finance Committee will not meet this month.

Committee Report - Eastside Transportation Partnership (ETP)

Councilmember Resha reported that the Regional Transportation Investment District is considering a November 2004 advisory vote as there is not enough support for a ballot measure on the major transportation package. He added that ETP adopted a position to support the Sound Transit Route 545 alternative with a direct connection between Redmond and Seattle.

Committee Report - Planning and Public Works Committee

Councilmember Marchione announced that the June 16, 2004 Planning and Public Works Committee meeting was cancelled.

RECESS

The Mayor declared a recess at 9:25 p.m. The meeting reconvened at 9:35 p.m.

ADOPTION OF REDMOND BUILDING CODE AND FEE SCHEDULE

The Mayor, in a memorandum to the Council dated June 15, 2004, recommended the adoption of the ordinance adopting the State Building Code and resolution amending the Planning and Community Development Department's fee schedule.

Motion by Mr. Cole, second by Mr. Resha, to adopt Ordinance No. 2219, adopting the State Building Code as mandated by the State Building Code Council under RCW 19.27.031 with an established effective date of July 1, 2004.

Ordinance No. 2219, relating to the city's building and construction codes, amending Chapters 15.08 through 15.22 of the Redmond Municipal Code in order to adopt the 2003 editions of the International Building Code, International Residential Code, International Property Maintenance Code, International Mechanical Code, International Fuel Gas Code and Uniform Plumbing Code, in order to adopt the 2002 National Electrical Code, and the current versions of the Washington State Energy Code and the Washington State Ventilation and Indoor Air Quality Code, providing for severability and establishing an effective date of July 1, 2004, was presented and read.

Upon a poll of the Council, Cole, Marchione, McCormick, Paine, Resha, and Vache voted aye. Motion carried unanimously (6 - 0).

Motion by Mr. Cole, second by Mr. Vache, to approve Resolution No. 1189, amending

the Planning and Community Development Department fee schedule in order to continue to assess fees for building permits beyond July 1, 2004.

Resolution No. 1189, amending the Planning Department Fee Schedule in order to add fees for building permits effective July 1, 2004, was presented and read.

Upon a poll of the Council, Cole, Marchione, McCormick, Paine, Resha, and Vache voted aye. Motion carried unanimously (6 - 0).

ADOPTION OF REDMOND FIRE CODE AND FEE SCHEDULE

The Mayor, in a memorandum to the Council dated June 15, 2004, recommended the adoption of the ordinance adopting the proposed Redmond Fire Code and resolution amending the Fire Department fee schedule, effective July 1, 2004.

Fire Marshal Lovett gave a status report on changes to the proposed Redmond Fire Code and fee schedule. He answered questions from Councilmembers regarding response times and status of other jurisdictions that have adopted sprinkler requirements.

Motion by Mr. Resha, second by Ms. McCormick, to adopt Ordinance No. 2220 adopting the proposed Redmond Fire Code, without changing the automatic fire sprinkler system threshold from 6,000 square feet to 5,000 square feet.

James E. Haney, City Attorney, explained to effect the motion the second WHEREAS and Section 2 of the ordinance would be deleted and Section 4 and the title would be revised accordingly.

The Mayor and Council discussed the possibility of developing a common automatic fire sprinkler proposal for the region. Mr. Haney explained that if the ordinance was adopted with the 5,000 square foot threshold requirement, that requirement would not go into effect until the State Building Code Council had approved it.

Ordinance No. 2220, amending Chapter 15.06 of the Redmond Municipal Code in order to adopt the 2003 International Fire Code, together with certain deletions and amendments thereto, effective July 1, 2004; providing for severability and establishing effective dates, was presented and read.

Upon a poll of the Council, Cole, Marchione, Resha, and Vache voted aye. Motion carried (4 - 2) with McCormick and Paine voting nay.

Motion by Mr. Resha, second by Mr. Marchione, to request that the administration present a motion for Council consideration of a proposal to conduct a regional forum on fire safety issues, including a timeline, staff implications and cost-benefit analysis of reducing the square foot threshold for automatic fire sprinklers.

After some discussion, Councilmember Resha withdrew the motion with the consent of Councilmember Marchione.

Motion by Mr. Vache, second by Ms. McCormick, to approve Resolution No. 1190, amending the Fire Department fee schedule effective July 1, 2004.

Resolution No. 1190, amending the Fire Department fee schedule originally adopted by Resolution No. 1073 and as previously amended in order to revise the amount of certain fees and to add certain other fees, was presented and read.

Upon a poll of the Council, Cole, Marchione, McCormick, Paine, Resha, and Vache voted aye. Motion carried unanimously (6 - 0).

ORDINANCE - SHORELINE MASTER PLAN (DGA02-015)

The Mayor, in a memorandum to the Council dated June 15, 2004, recommended approval of the proposed Shoreline Master Program ordinance.

Cathy Beam, Principal Environmental Planner, distributed a copy of Nancy Bainbridge Rogers' letter dated June 15, 2004 in which staff had noted its recommendations regarding suggested changes proposed by Ms. Rogers. Ms. Beam stated that this handout could be considered an Exhibit to the Attachment A (the proposed ordinance).

Motion by Ms. McCormick, second by Mr. Vache, to adopt Ordinance No. 2221, adopting the city's 2004 Shoreline Master Program Update, as identified in Attachment A, including the revised

second page of Exhibit 1 dated June 10, 2004, and that the Exhibit distributed tonight be incorporated as part of the ordinance.

Ordinance No. 2221, adopting the city's 2004 Shoreline Master Program Update; amending and replacing the Shoreline Master Program section in the Redmond Comprehensive Plan; amending various shoreline-related policies in other sections of the Comprehensive Plan; amending shoreline-related definitions in Title 20A of the Redmond Municipal Code and Community Development Guide; amending regulations related to the shorelines in the agricultural, urban recreation, residential, city center, commercial and industrial zones regulated in Chapters 20C.20 through 20C.60; adding a new Chapter 20D.45 relating to dredging; amending the shoreline-related design standards in Chapter 20D.140; repealing Section 20D.150.20 relating to dredging; amending shoreline-related special use regulations in Chapter 20D.170; amending shoreline-related procedures in Chapters 20F.10, 10F.30 and 20F.40; providing for severability and establishing an effective date, was presented and read.

Upon a poll of the Council, Marchione, McCormick, Paine, Resha, and Vache voted aye. Motion carried (5 - 1) with Cole voting nay.

REDMOND WAY MONOPOLE, CUP02-001

The City Attorney, in a memorandum to the Mayor and City Council, recommended adoption of the ordinance approving T-Mobile's application for a conditional use permit and special exemption.

Motion by Mr. Paine, second by Mr. Cole, to adopt Ordinance No. 2222, approving T-Mobile's application for a conditional use permit and special exception in order to locate a wireless telecommunications monopole on the northwest corner of NE Redmond Way and 140 Avenue NE.

Ordinance No. 2222, approving the conditional use permit and special exception application of T-Mobile USA, Inc. for a wireless telecommunications monopole and associated ground-mounted equipment on the northwest corner of NE Redmond Way and 140 Avenue NE pursuant to a remand order of the King county Superior Court; adopting findings and conclusions in support of the approval; and establishing an effective date, was presented and read.

June 15, 2004

Upon a poll of the Council, Cole, Marchione, Paine, Resha, and Vache voted aye. Motion carried (5 - 1) with McCormick voting nay.

EXECUTIVE SESSION AND ADJOURNMENT

At 10:39 p.m. the Council held an executive session regarding property acquisition. There being no further business to come before the Council, the Mayor declared the meeting adjourned at 11:20 p.m.

MAYOR

CITY CLERK